

AMENDED IN SENATE FEBRUARY 28, 2002

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1450**

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**Introduced by Assembly ~~Member~~ Members Cardenas, Hertzberg,  
Robert Pacheco, and Runner**

**(~~Coauthors: Assembly Members Firebaugh and Wyman~~)**

*(Coauthors: Senators Escutia, Margett, McPherson, Scott, and  
Vincent)*

February 23, 2001

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~~An act to amend and renumber Section 3005 of, and to add and repeal  
Article 1.3 (commencing with Section 3010) to Chapter 8 of Title 1 of  
Part 3 of, the Penal Code, relating to parolees. An act relating to gangs,  
making an appropriation therefor, and declaring the urgency thereof, to  
take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1450, as amended, Cardenas. ~~Parolees: tracking~~ **Gangs.**

*Existing law authorizes the City and County of Los Angeles to  
establish and operate a Community Law Enforcement and Recovery  
(CLEAR) Demonstration Project, a multiagency gang intervention*

program. Existing law provides that implementation of this project would be contingent upon a Budget Act appropriation.

This bill would reappropriate \$2,000,000 to the 2001 budget item supporting this program, available for expenditure until June 30, 2002, thereby making an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides for inmates to be released on parole following incarceration, as specified. The Board of Prison Terms may require that an inmate or parolee agree to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with the conditions of parole.~~

~~This bill would require the Department of Corrections to use a Global Positioning System (GPS) to track 100 parolees over 12 months. Parolees selected for tracking would have been convicted of one or more serious crimes, as specified. This bill would also require the department to evaluate the GPS on several points, report its findings to the Legislature on or before July 1, 2003, and make a recommendation on the continued use of GPS tracking devices to track high-risk offenders. This bill would terminate these provisions on January 1, 2006.~~

~~This bill would also make a technical, nonsubstantive change.~~

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 3005 of the Penal Code, as added by~~
- 2     ~~SECTION 1. Notwithstanding any other provision of law, two~~
- 3     ~~million dollars (\$2,000,000) from the balance of Item~~
- 4     ~~5430-101-0001, Budget Act of 1996, as reappropriated by Item~~
- 5     ~~5430-490, Budget Acts of 1997 and 1998, and amended by Item~~
- 6     ~~5430-401, Budget Act of 1999, is hereby reappropriated for~~
- 7     ~~transfer to, and in augmentation of Item 5430-128-0001, Budget~~
- 8     ~~Act of 2001, and shall be available for expenditure until June 30,~~
- 9     ~~2002.~~
- 10    ~~SEC. 2. This act is an urgency statute necessary for the~~
- 11    ~~immediate preservation of the public peace, health, or safety~~
- 12    ~~within the meaning of Article IV of the Constitution and shall go~~
- 13    ~~into immediate effect. The facts constituting the necessity are:~~

1 *In order to permit the reduction of gang violence as soon as*  
2 *possible, it is necessary that this bill go into immediate effect.*

3 Chapter 142 of the Statutes of 2000, is amended and renumbered  
4 to read:

5 3030. ~~(a) The Department of Corrections, to the maximum~~  
6 ~~extent practicable and feasible, and subject to legislative~~  
7 ~~appropriation of necessary funds, shall ensure, by July 1, 2001,~~  
8 ~~that all parolees under active supervision and deemed to pose a~~  
9 ~~high risk to the public of committing violent sex crimes shall be~~  
10 ~~placed on an intensive and specialized parole supervision~~  
11 ~~easeload.~~

12 ~~(b) The Department of Corrections shall develop and, at the~~  
13 ~~discretion of the director, and subject to an appropriation of the~~  
14 ~~necessary funds, may implement a plan for the implementation of~~  
15 ~~relapse prevention treatment programs, and the provision of other~~  
16 ~~services deemed necessary by the department, in conjunction with~~  
17 ~~intensive and specialized parole supervision, to reduce the~~  
18 ~~recidivism of high-risk sex offenders.~~

19 ~~(c) The Department of Corrections shall study the effects of this~~  
20 ~~legislation on recidivism rates of parolees. The study shall be a~~  
21 ~~two-year analysis completed by January 1, 2003, with an initial~~  
22 ~~report to the Legislature on or before January 1, 2004, and a final~~  
23 ~~report on or before January 1, 2006.~~

24 ~~(d) This section shall remain in effect only until July 1, 2006,~~  
25 ~~and as of that date is repealed, unless a later enacted statute, that~~  
26 ~~is enacted before July 1, 2006, deletes or extends that date.~~

27 SEC. 2. ~~Article 1.3 (commencing with Section 3010) is added~~  
28 ~~to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:~~

29  
30 Article 1.3. ~~High Risk Parolee Tracking Act of 2001~~  
31

32 3010. ~~This article shall be known and may be cited as the High~~  
33 ~~Risk Parolee Tracking Act of 2001.~~

34 3012. ~~(a) The Department of Corrections shall conduct a~~  
35 ~~pilot study utilizing the Global Positioning System to track the~~  
36 ~~movement and location of parolees in "real time."~~

37 ~~(b) The Department of Corrections shall prepare and~~  
38 ~~implement a plan to test and use global positioning tracking~~  
39 ~~devices to track 100 parolees, over the course of 12 months. This~~  
40 ~~plan shall include the following:~~

~~(1) Criteria for selecting parolees who will be supervised under GPS. Parolees selected for tracking shall include parolees who have been convicted of one or more of the following serious crimes:~~

~~(A) Sex crimes.~~

~~(B) Stalking.~~

~~(2) An evaluation of the use of GPS to track parolees and measure:~~

~~(A) The rate of recidivism of parolees monitored by GPS compared to a similar population not being monitored by a global positioning system.~~

~~(B) The rate of parolees at large being monitored by GPS compared to similar population not being monitored by GPS.~~

~~(C) Cost.~~

~~(D) Accuracy.~~

~~(E) Work load changes on parole officers.~~

~~3013.—The Department of Corrections in developing a plan to test and implement the utilization of global positioning tracking devices to track high-risk offenders shall provide for direct data integration with other department programs.~~

~~3014.—The Department of Corrections in developing a plan to test and implement the use of GPS tracking devices to track high-risk offenders shall consult with the following:~~

~~(a) Crime victim groups.~~

~~(b) Local law enforcement agencies, particularly those that have a high number of parolees within their jurisdiction.~~

~~(c) The Department of Justice.~~

~~(d) Other states that have used GPS tracking devices to track high-risk offenders.~~

~~3015.—The Department of Corrections shall report its findings to the Legislature on or before July 1, 2003, and make a recommendation on the continued use of GPS tracking devices to track high-risk offenders.~~

~~3016.—This article shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~